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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/595,743

10/10/2008

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080979

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26288 7590 11/18/2011
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EXAMINER

VAN SELL, NATHAN L

ART UNIT

PAPER NUMBER

1783

MAIL DATE

DELIVERY MODE

11/18/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,743	Applicant(s) NILSSON, BO	
	Examiner NATHAN VAN SELL	Art Unit 1783	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1,4 and 5 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,4 and 5 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/9/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Amendment

Amendments to the claims, filed on October 26, 2011, have been entered in the above-identified application.

The previous election/restriction requirement of record is withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is rejected because it is unclear if the "higher density in areas" (*line 5*) is structurally distinct from the "at least one stranded part formed from particles and having a higher density" (*line 7-8*).

Regarding claim 5, the phrase "at a distance" in claim 5 is a relative phrase which renders the claim indefinite. The phrase "at a distance" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. See Line 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (US 4,236,365) in view of Jarret et al. (US 3,171,872).

Wheeler discloses a building component in the shape of a door comprised of coarse wood particles (12) (i.e., particle board) (*col 2, lines 65-68, Fig 3*) in the intermediate layer between two high density exterior skins (14, 16) (i.e., lower and upper surface) of cellulosic fibers (*col 3, lines 1-6, Fig 3*). Wheeler discloses the intermediate layer has higher density areas (32) and the intermediate layer has at least one greatly compressed (i.e., higher density) area (30) (i.e., part) which has a higher density than at least one other surrounding area (38) (i.e., part) of said intermediate layer (*col 3, lines 15-30, Fig 3*).

Wheeler fails to disclose the high density exterior skins can be formed from a finer fraction of wood particles.

Jarret discloses a wood particle board (*col 1, lines 20-25*) that is a panel having a core (i.e., intermediate layer) of coarser particles interposed between two surface layers (i.e., upper and lower surface) of finer particles (*col 2, lines 1-2*). The benefit of the finer particles is to provide a substantially smooth outer surface of satisfactory finish (*col 1, lines 49-51*).

Therefore, it would be obvious to one ordinarily skilled in the art at the time of invention to combine the building component of Wheeler with the particle board of Jarrett for a building component with a substantially smooth outer surface of satisfactory finish.

The phrase "where the particle board is intended for fastening to another object" is a statement of intended use that does not positively add structural limitations to the claimed assembly.

The limitation "stranded" of the instant claim is a product by process limitation and does not determine the patentability of the product, unless the process results in a product that is structurally distinct from the prior art. The process of forming the product is not germane to the issue of patentability of the product itself, unless Applicant presents evidence from which the Examiner could reasonably conclude that the claim product differs in kind from those of the prior art. MPEP § 2113. No difference can be discerned between the product that results from the process steps recited in claim 1 and the product of Wheeler as modified by Jarret.

Regarding claim 4, Wheeler discloses the building component has at least one edge (34) coinciding with an area (32) (i.e., part) of the intermediate layer having a higher density than another area (38) (i.e., part) of the intermediate layer (*col 3, lines 15-30, Fig 3*).

Regarding claim 5, Wheeler discloses the intermediate layer has at least one greatly compressed (i.e., higher density) area (30) (i.e., part) which has a higher density

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than another surrounding area (38) (i.e., part) and is situated at a distance from and between two edge parts (34) of said intermediate layer (*col 3, lines 15-30, Fig 1 & 3*).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN VAN SELL whose telephone number is (571)270-5152. The examiner can normally be reached on Monday through Friday, 9am til 6:30pm, EST, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on (571)272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. V./
Examiner, Art Unit 1783

/David R. Sample/
Supervisory Patent Examiner, Art Unit 1783

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